

\$DAC #4

PTO/SB/61 (08-03)
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

Docket Number (Optional)

First Named Inventor: **Serge Savard** Art Unit: **3671**
Application Number: **09/988,475** Examiner: **Kovacs, Arpad F.**
Filed: **11/20/2001**
Title: **MANEUVERABLE AND ADJUSTABLE LAWN MOWER HAVING AN EDGING-TRIMMING UNIT**
Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee **55**
☒ Small entity - fee \$ **55** (37 CFR 1.17(i)). Applicant claims small entity status.
See 37 CFR 1.27.
☐ Other than small entity - fee \$ _____ (37 CFR 1.17(i)).

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of _____ (Identify the type of reply):
☒ has been filed previously on _____
☐ is enclosed herewith.
B. The issue fee of \$ _____
☐ has been filed previously on _____
☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

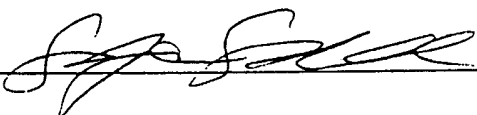
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

25-NOV-2003
Date



514-376-1273
Telephone Number

Serge Savard
Typed or printed name

Registration Number, if applicable

4050, ROSEMONT BLVD # 1607
Address

MONTREAL, QUEBEC, CANADA
Address

Enclosure ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

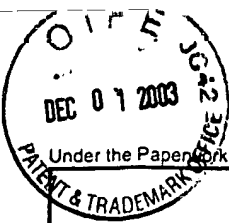
☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

26 NOV 2003
Date


Signature

Gilles Bouenger
Typed or printed name of person signing certificate



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

25-NOV.2003

Date

Serge Savard

Registration Number, if applicable

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

A reply to the Office Action sent by Examiner Kovacs was filed by fax transmission on April 14th, 2003, well within the allowed time limit for reply, at that fax number : 703 872-9302 (8 pages). We then received a confirmation of successssful transmission from the fax machine.

Asssuming that the filing had been done in due time, we took no further action.

Apparently, the USPTO never received our fax transmission. Some time later, we were informed by Examiner Kovacs that the application would be abandoned for failure to reply to the OA within the applicable time limits. We sent records of our fax transmission from the log book of transmission along with a signed certificate of transmission and a resend of our original Office Action reply on August 13th, 2003 at that fax number : 703 872-9326. This transmission was received but apparently, these were not valid proofs. So the application was officially abandoned.

Since we made every effort on our part to keep our application alive, we claim that the abandonment was unavoidable and therefore petition for its revival.

(Please attach additional sheets if additional space is needed.)